

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AARON JOHN UPCHURCH,

Plaintiff,

v.

Case No. 13-cv-116 JCH/SMV

TIM NYCE,

Defendant.

**ORDER GRANTING APPLICATION TO PROCEED WITHOUT PREPAYMENT
AND TO MAKE PAYMENTS OR SHOW CAUSE**

THIS MATTER is before the Court on Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. 2]. The filing fee for this civil rights complaint is \$350.00. Plaintiff is required to pay the full amount of the filing fee pursuant to 28 U.S.C. § 1915(b)(1). Based on the information about Plaintiff's financial status, the Court finds that Plaintiff owes an initial partial payment of \$8.09 pursuant to § 1915(b)(1). The court will not review the merits of the civil rights complaint unless the initial partial payment is paid or excused. If Plaintiff fails to make a payment by the designated deadline or show cause why such payments should be excused, the civil rights complaint may be dismissed without prejudice without further notice.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. 2] is **GRANTED**;

IT IS FURTHER ORDERED that, within 30 days from entry of this order, Plaintiff send to the Clerk an initial partial payment of \$8.09 or show cause why the payment should be excused;

IT IS FURTHER ORDERED that the Clerk is directed to provide Plaintiff with two copies of this order, and that Plaintiff make the necessary arrangements to attach one copy of this order to the check in the amount of the initial partial payment;

IT IS FINALLY ORDERED that, after payment of the initial partial fee, Plaintiff make monthly payments of twenty per cent (20%) of the preceding month's income credited to Plaintiff's account or show cause why the designated payments should be excused. The Clerk is directed to provide Plaintiff with two copies of the post-filing financial certificate, and Plaintiff must make the necessary arrangements to have the monthly payments identified by the civil action number on this order.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge